

[Names and addresses of counsel appear on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DERRICK SATCHELL, KALINI BOYKIN, VALERIE BROWN, RICK GONZALES, CYNTHIA GUERRERO, RACHEL HUTCHINS, TYRONE MERRITT, KELVIN SMITH, SR., and KEN STEVENSON, on behalf of themselves and all others similarly situated,

Plaintiffs,

V.

FEDEX EXPRESS, a Delaware corporation,

Defendant.

Case No. C 03-2659 SI; C 03-2878 SI

CLASS ACTION

**STIPULATION AND [proposed] ORDER
RE VARIOUS DISCOVERY MATTERS**

The parties, through their counsel, hereby stipulate as follows:

1. In its Order Granting-In-Part-And-Denying-In-Part Plaintiffs' Motions To Compel; Granting Plaintiffs' Motion for Sanctions dated October 10, 2006, the Court ordered the parties to meet and confer regarding Plaintiffs' reasonable attorneys' fees and costs incurred in connection with the portion of the Order for which the Court awarded sanctions against Defendant. The Court further ordered Plaintiffs to file any motion seeking to recover reasonable attorneys' fees and costs by no later than October 18, 2006. However, the attorney dealing with this issue for Plaintiffs suffered an injury late last week and was unable to work on this issue;

1 counsel for Defendant has been attempting to ensure compliance with the Court's Order regarding
 2 further production of documents and information to Plaintiffs. Because of the foregoing, the
 3 parties are still in the process of meeting and conferring on this issue, and will complete that
 4 process by October 19. In the event that the parties are unable to reach agreement, the parties
 5 stipulate that Plaintiffs shall file a motion for reasonable attorneys' fees and costs by October 20,
 6 2006.

7 2. The parties stipulate that Defendant FedEx shall produce the paper
 8 personnel files for the persons listed in the Willson Declaration by no later than October 25, 2006.

9 3. The parties stipulate that Defendant FedEx shall provide the Bates
 10 Numbers for Attachment 3 (or chart served with Defendant's responses to Plaintiffs' Second Set
 11 of Interrogatories), by no later than October 25, 2006.

12 4. Nothing in this stipulation limits or modifies Defendant's obligations to
 13 comply with any other aspect of the Court's Order of October 10, 2006.

14
 15 Dated: October 19, 2006

SCHNEIDER & WALLACE

16 By: /s/
 17 Guy B. Wallace

18 Todd M. Schneider (SBN 158253)
 19 Guy B. Wallace (SBN 176151)
 SCHNEIDER & WALLACE
 20 180 Montgomery Street, Suite 2000
 San Francisco, CA 94104
 Telephone: (415) 421-7100
 Facsimile: (415) 421-7105

22 James M. Finberg
 23 Eve H. Cervantez
 LIEFF, CABRASER, HEIMANN & BERNSTEIN
 275 Battery Street, 30th Floor
 San Francisco, CA 94111-3339
 Telephone: (415) 956-1000
 Facsimile: (415) 956-1008

26 JOHN BURRIS (SBN 69888)
 27 7677 Oakport Bldg., Suite 1120
 Oakland, CA 94612
 Telephone: (510) 839-5210
 Facsimile: (510) 839-3882

1 MICHAEL S. DAVIS (SBN 160045)
2 345 Hill Street
3 San Francisco, CA 94109
4 Telephone: (415) 282-4315
5 Facsimile: (415) 358-5576

6 KAY MCKENZIE PARKER (SBN 143140)
7 225 Bush Street, 16th Floor
8 San Francisco, CA 94104
9 Telephone: (415) 227-9622
Facsimile: (415) 227-4522

10 WAUKEEN Q. MCCOY (SBN 168228)
11 703 Market Street, Suite 1407
12 San Francisco, CA 94103
13 Telephone: (415) 675-7705
14 Facsimile: (415) 675-2530

15 *Class Counsel*

16 Dated: October 19, 2006

17 FEDERAL EXPRESS CORP.

18 By: /s/
19 Frederick L. Douglas

20 FEDERAL EXPRESS CORP.
21 3620 Hacks Cross Road, Bldg. B, 3rd fl.
22 Memphis, TN 38125-8800
23 Telephone: (901) 434-8519
24 Facsimile: (901) 434-9271

25 Evelyn Becker
26 O'MELVENY & MYERS LLP
27 1625 Eye Street, N.W.
28 Washington, D.C. 20006-4001
Telephone: (202) 383-5300
Facsimile: (202) 383-5414

29 Gilmore F. Diekmann, Jr. (SBN 050400)
30 SEYFARTH, SHAW
31 560 Mission Street, Suite 3100
32 San Francisco, CA 94105
33 Telephone: (415) 397-2823
34 Facsimile: (415) 397-8549

35 *Counsel for Defendant*

ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

Dated: _____


Hon. Susan Illston
United States District Judge